

INFORMATION – ADULT GUARDIANSHIP

More information is located in Title 5B of the Lummi Code of Laws.

The Lummi Victim's of Crime Office (384-2285) may be able to assist in these proceedings.

These instructions apply when the petitioner seeks a guardianship order for an adult, that may include the appointment of a guardian, limited guardian, or protective payee. If the person has been abused or neglected by another person, a proceeding should also be started for an Order of Protection (see Forms Packet EA- P1) or a domestic violence proceeding. The Lummi Victim's of Crime Office (384-2285) may be able to assist in these proceedings, as well.

Powers of a Guardian, Limited Guardian, or Protective Payee

A "Guardian" is a person or organization appointed by the Court to exercise the rights and provide for basic needs of an elder or vulnerable adult; a "Limited Guardian" is a person or agency appointed by the Court to exercise the rights and provide for basic needs of an elder or vulnerable adult, but only to the extent that the elder or vulnerable adult is incapacitated from performing those functions without the help of a guardian

A "Protective Payee" is a person or organization appointed by the Court to receive payment of funds, to secure the elder or vulnerable adult's funds, property, services, or other resources, and to expend funds so that the elder or vulnerable adult's needs for food, clothing, shelter, health care, and a safe environment can be met while the funds that are not needed to pay for those necessities are released to the elder or vulnerable adult.

A guardian, limited guardian, or protective payee has a fiduciary responsibility toward the elder. The Court may set terms and conditions including an oath, bond, insurance, or other provisions to protect the elder or vulnerable adult. The court will set documentation and reporting requirements for any person given authority to receive payments of funds, to secure the elder or vulnerable adult's funds, property, services, or other resources, or to expend funds.

Grounds for Guardianship

1) Due to mental or physical disability, illness or deficiency, the elder / vulnerable adult is unable to obtain the necessary goods and services necessary for the basic needs of the person, including food, clothing, shelter, a safe environment, medication, and health care. This does not include the conscious and voluntary decision as a matter of personal choice of a mentally competent elder or vulnerable adult to live in circumstances that threaten his health or safety. OR

2) A guardianship is necessary to protect an incapacitated elder / vulnerable adult from abuse or neglect from another person. This includes exploitation by another person, which means the use of an elder or vulnerable adult's funds, property, credit, services, or other resources through improper or unauthorized means including coercion, force, deception, undue influence, violation of a fiduciary duty, or theft. Exploitation includes the use of an elder's home to engage in illegal activities; any use, for another person's profit or advantage, of the elder or vulnerable adult's funds, property, credit, services, or other resources that leaves the elder or vulnerable adult unable to pay for food, clothing, shelter, health care, or a safe environment is deemed exploitation.

A guardianship cannot be used to interfere with actions to withhold or withdraw life-sustaining treatment in accordance with the elder / vulnerable adult's health care directive that was executed in compliance with state law.

COURT PROCEEDINGS

A. "ACCESS TO THE COURT - Instructions for Civil Cases"

Pick up a copy of this information sheet and review it for the general procedures to follow in civil cases.

B. Emergency Proceeding

An emergency forms packet is available to obtain an Emergency Order of Protection that can be used if an incapacitated adult is at risk of harm because of inability to care for him or herself. This forms packet (EA-P1) is available from the Clerk of Court's Office.

Petition for Emergency Order of Protection
Notice of Emergency Order and Hearing
Contact Information Form

1. Petition for Emergency Order of Protection

File this document with the Clerk of Court, along with the Contact Information Form. Request the Clerk's Office to provide it immediately to the judge to get an immediate order.

2. Notice of Emergency Order and Hearing

The Court must conduct a hearing within 72 hours after signing an emergency order for protection, or find good cause to justify a delay. Under the Lummi Code, the elder / vulnerable adult and any caretaker is made a party and has the right to notice of the entry of the order and further proceedings. In addition, the children and parent (if still surviving) has the right to notice. Those family members may participate unless the court finds it is not in the elder / vulnerable adult's best interest.

C. Ongoing Order for Guardianship

A petition for guardianship needs to be filed to obtain an ongoing guardianship order. It is not necessary to start with an emergency petition, under (B) of these instructions, if no emergency exists. The guardianship procedure should be used together with the Petition for an Order of Protection if the elder / vulnerable adult has been abused or neglected by another person. That forms packet (EA – P2) is available from the Clerk of Court's Office.

D. Filing a Guardianship Petition

The forms packet (GE – P1) for a guardianship contains the following documents:

Petition for an Order of Adult Guardianship
Motion for Temporary Orders
Summons
Contact Information Form

File all four documents with the Clerk of Court's Office to commence the proceedings. Review and follow the procedures outlined in "ACCESS TO THE COURT - Instructions for Civil Cases" guide which is available at the Court.

E. Temporary Orders to Prepare for Hearing

There are a number of orders that are needed in the space of time between the filing of the petition and the final order. The motion for temporary orders (Court Form GE -) starts this process. The motion can include: 1) request for appointment of a guardian ad litem to advise the court on the best interests of the elder or vulnerable adult; 2) request for appointment of an attorney to represent the position of the elder or vulnerable adult; 3) request that the court order an evaluation to determine the capacity or degree of incapacity of the elder / vulnerable adult; and/or 4) request that the court order the Lummi Adult Protection Team to recommend a plan to the Court for the delivery of protective services that provide for the elder's / vulnerable adult's needs.

F. Guardian Ad Litem

A guardian ad litem appointed by the Court must meet, at a minimum, with the elder / vulnerable adult, family members, caregivers, and other persons or agencies that may be designated by the Court.

The standards for the selection of a guardian ad litem include requirements that the person:

- be familiar with the Lummi community;
- have training or experience working with elders or vulnerable adults;
- have demonstrated ability to exercise good judgment and discretion;
- have no prior history of violent crimes or crimes of dishonesty; and
- have no personal interest in the outcome of the proceeding.

G. Standard of Evidence

The Court must find clear and convincing evidence to enter an order under Title 5B (Elder Abuse Code).

H. Confidential Records

The Court may limit another party's access to medical or other confidential records as necessary to protect the health, safety, or welfare of the elder / vulnerable adult.

I. Hearing

The Court will conduct a hearing on the petition to determine whether the facts support a finding that the respondent is in need of a guardianship. All relevant evidence that is reliable and trustworthy may be admitted and relied upon by the Court to the extent of its probative value, including hearsay that is corroborated by other evidence. The parties will be afforded an opportunity to examine and contest written reports, and cross-examine individuals whose testimony is presented. The Court may rely on conference telephone or other electronic devices that permit all those appearing or participating to hear and speak to each other.

The Court may exclude a person, including a party other than the elder / vulnerable adult, from court proceedings if the Court finds that the attendance of that person is not in the respondent's best interests.

J. Review

The Court must review of the need to continue the guardianship order every 6 months or upon motion for good cause shown. The review must include an accounting for the elder or vulnerable adults funds, property, credit, services, or other resources if the Court has designated a protective payee or guardian with responsibility for safeguarding or expending those items. The Court must also review information about the elder or vulnerable adult including the services provided, mental and physical status, living conditions, and other information that may be helpful to the Court. At the review, the Court may extend or amend the guardianship order if cause is shown by clear and convincing evidence.

ALTERNATIVE TO COURT PROCEEDING

A power of attorney can be used by a person who is not mentally incapacitated to appoint another person to act for the first person. It can be written as a "durable power of attorney" to provide that it will come into effect only if and when the first person becomes incapacitated. However, a person who is already mentally incapacitated cannot give a power of attorney.

Review Court Form GE – 10 for discussion of the option of using a durable power of attorney. The Columbia Legal Services Program has written a publication "Questions and Answers on Powers of Attorney" as well as forms, which are attached to Court Form GE – 10. The Lummi Tribal Court takes no position on the accuracy of the publication or the legal sufficiency of the forms.

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2
3 **IN THE TRIBAL COURT**
4 **FOR THE LUMMI NATION, WASHINGTON**

5 IN RE THE GUARDIANSHIP OF:

Case No.: _____ CVGE _____

6 _____
7 Elder / Vulnerable Adult

**PETITION FOR AN ORDER OF
ADULT GUARDIANSHIP**

8 _____
9 Petitioner

10
11 Pursuant to Chapter 5B.03 of the Lummi Code of Laws, the Petitioner asks the Court to enter an
12 order establishing a guardianship for the named elder / vulnerable adult. In support of this
13 petition, the Petitioner states as follows:

13 I. IDENTIFICATION OF PETITIONER

14 Name: _____
15 First Middle Last

16 The Petitioner is the Lummi Adult Protection Team a caretaker as defined in LCL
17 5B.01.020(4) a family member with the following
18 relationship: _____

17 II. IDENTIFICATION OF ELDER / VULNERABLE ADULT

18 Name: _____
19 First Middle Last

20 An elder age 55 or older; over the age of 18 and unable to protect himself or herself
21 from abuse or neglect because of mental or physical disability, illness or deficiency

22 Date of Birth: _____ / _____ / _____ Sex: _____

23 Residence: _____

24 Tribal affiliation: _____

23 III. JURISDICTION OF THE COURT

24 Check as many as are applicable.: This court has jurisdiction over this matter because

25 **PETITION FOR AN ORDER OF ADULT
GUARDIANSHIP**

Page 1

Court Form GE - 02 7/25/11

Lummi Tribal Court
2665 Kwina Road
Bellingham, WA 98226
(360) 312-2239

1 The elder / vulnerable adult lives on the Lummi Reservation, or is temporarily absent
with the intent to return.

2 Assets belonging to the elder / vulnerable adult and in need of protection are on the
3 Reservation.

4 IV. The elder / vulnerable adult suffers from the following to mental or physical disability,
5 illness or deficiency:

6 _____
7 _____
8 _____
9 _____

10 V. Due to the incapacity,

11 a guardianship is necessary because the elder / vulnerable adult is unable to obtain the
12 necessary goods and services necessary for the basic needs of the person, including food,
13 clothing, shelter, a safe environment, medication, and health care as follows:

13 _____
14 _____
15 _____
16 _____

17 and/ or

18 A guardianship is necessary to protect an incapacitated elder / vulnerable adult from
19 exploitation by another person as follows: (*“Exploitation” means the use of an elder or
20 vulnerable adult’s funds, property, credit, services, or other resources through improper or
21 unauthorized means including coercion, force, deception, undue influence, violation of a fiduciary
22 duty, or theft. Exploitation includes the use of an elder’s home to engage in illegal activities; any
23 use, for another person’s profit or advantage, of the elder or vulnerable adult’s funds, property,
24 credit, services, or other resources that leaves the elder or vulnerable adult unable to pay for food,
25 clothing, shelter, health care, or a safe environment*)

22 _____
23 _____
24 _____
25 _____

1 REQUEST FOR RELIEF

2 I request entry of an order to:

3 Appoint a representative, guardian, limited guardian, or a protective payee for the
4 elder/vulnerable adult. I nominate _____
to act as that person.

5 Implement a plan to deliver protective services that provides for the elder/vulnerable
6 adult's needs; and order the Adult Protection Team to recommend a plan. A separate
Petition for Protection has been filed.

7 Require any party having a fiduciary duty to the elder/vulnerable adult to account for the
elder/vulnerable adult's funds and or property.

8 Require a person with a duty to the elder/vulnerable adult to fulfill that responsibility so
9 that the elder/vulnerable adult's basic needs are met.

10 Other:

11 DECLARATION

12 I declare under penalty of perjury of all applicable civil and criminal laws that 1) I have read this
13 Petition or it has been read to me; and 2) I understand the contents of the Petition and believe the
14 contents to be true and correct to the best of my knowledge, information, and belief, formed after
reasonable inquiry. Below is the address at which I can receive all legal documents, and I
understand I have the duty to update this address with the court if it changes.

15 Dated: _____
16

17 _____
Petitioner

18 _____
Print or Type Name

19 _____
Address

20 _____
City, State, Zip Code

21 _____
Telephone Number
22
23
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25

**IN THE TRIBAL COURT
FOR THE LUMMI NATION, WASHINGTON**

IN RE THE GUARDIANSHIP OF:

Case No.: _____ CVGE _____

Elder / Vulnerable Adult

**SUMMONS –ADULT GUARDIANSHIP
PROCEEDING**

Petitioner

TO: Elder / Vulnerable Adult
Primary Caregiver: _____
Children And Parents: _____

YOU ARE HEREBY GIVEN NOTICE that a petition has been filed in the above-named court regarding the entry of a guardianship for the elder / vulnerable adult. A copy is attached to this summons.

The elder / vulnerable adult and the primary caregiver, if any, are parties to the court proceeding. A family member may also attend the proceeding unless the Court determines that the person does not have sufficient ties with the elder / vulnerable adult or that the attendance of the family member is not in the elder / vulnerable adult's best interests.

In order to defend against this action, you must respond to the petition by (1) filing a written response with the court, and serving the petitioner as shown; or (2) contacting the Clerk of Court and stating that you will appear in court to respond orally on the record. The Court prefers that you make a written response. Your written response must state whether you oppose the petition and your reasons. If you do not take either action within **21 days** after the date this summons was served on you, the court may enter an order of default against you and, without further notice to you, grant the request made in the petition.

For your convenience, an Answer Form is available at the Courthouse. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your response, if any, may be made by the deadline.

Dated: _____

[PETITIONER'S SIGNATURE]

[PRINTED NAME]

FILE ORIGINAL OF YOUR RESPONSE
WITH THE CLERK OF THE COURT AT:

SERVE A COPY OF YOUR RESPONSE TO:

Lummi Nation Tribal Court
2616 Kwina Road
Bellingham, WA 98226

Petitioner:

Address

City, State, Zip Code

CIVIL SUMMONS – ELDER ABUSE / VULNERABLE
ADULT PROCEEDING

Court Form GE - 03 7/25/11

Lummi Tribal Court
2665 Kwina Road
Bellingham, WA 98226
(360) 312-2239

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3 **IN THE TRIBAL COURT**
4 **FOR THE LUMMI NATION, WASHINGTON**

5 IN RE THE GUARDIANSHIP OF:

Case No.: _____ CVGE _____

6 _____
7 Elder / Vulnerable Adult

MOTION FOR TEMPORARY ORDERS
PENDING FURTHER PROCEEDINGS

8 _____
9 Petitioner

- 10 APPOINTMENT OF GAL
11 APPOINTMENT OF ATTORNEY
12 EVALUATION ORDER
13 LAPT RECOMMENDATION
14 REVIEW SUITABILITY OF NOMINATED
15 GUARDIAN
16 RESTRAINING AND INJUNCTION
17 ORDERS

18 Pursuant to LCL 5B.03.050, I request Court to issue temporary orders, as check-marked, pending a
19 final proceeding in this matter.

20 A Petition for: Elder / Vulnerable Adult Protection Order and/or Adult Guardianship has
21 been filed on: ____/____/____.

22 APPOINTMENT OF GAL. I request the Court to appoint a guardian ad litem to advise the
23 court on the best interests of the elder / vulnerable adult. This request is based on the allegations
24 made in the underlying petition in this matter. Other grounds are as follows:
25 _____

APPOINTMENT OF ATTORNEY. I request the court to appoint an attorney to represent the
position of the elder / vulnerable adult. The basis for this request is:

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EVALUATION ORDER. I request that the court order an evaluation to determine the capacity or degree of incapacity of the elder / vulnerable adult. I request that the evaluation be conducted by: _____, who has the following credentials to conduct the evaluation: _____

The grounds for concern that justify such an evaluation are stated in the allegations made in the underlying petition in this matter. Other grounds are as follows:

ORDER THAT APT RECOMMEND PLAN. I request that the court order the Lummi Adult Protection Team to recommend a plan to the Court for the delivery of protective services that provide for the elder's / vulnerable adult's needs.

REVIEW SUITABILITY OF NOMINATED GUARDIAN. If a guardianship is requested, I request the Court to issue an order that the nominated person submit a signed release so that the person's history may be checked by Lummi Family Services and appropriate criminal history databanks.

RESTRAINING ORDER. I request that _____ be restrained and enjoined from

transferring, removing, encumbering, concealing, or in any way disposing of any of the elder / vulnerable adult's property.

1 assigning, transferring, borrowing, lapsing, surrendering or changing entitlement of any
2 insurance policies of the elder / vulnerable adult's.

3 entering into any future debt that encumbers the elder / vulnerable adult, whether incurred
4 by credit card or loan, security interest or mortgage.

5 residing in the elder / vulnerable adult's home located at : _____

6 retaliating against a person who reported or investigated the alleged abuse or neglect,
7 including intimidating, threatening to cause or causing bodily, emotional, property, or financial
8 harm.

9 other: _____

10 _____
11 _____
12 _____
13 This request is based on the allegations made in the underlying petition in this matter. Other grounds
14 are as follows: _____

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3 **IN THE TRIBAL COURT**
4 **FOR THE LUMMI NATION, WASHINGTON**

5 IN RE THE GUARDIANSHIP OF:

Case No.: _____

6 _____
Elder / Vulnerable Adult

TEMPORARY ORDERS PENDING
FURTHER PROCEEDINGS

7
8 _____
Petitioner

9
10 The Court having reviewed the Motion for Temporary Orders and the affidavit, verified petition, or
sworn testimony in support, the Court

11 Denies the motion

12 Grants the motion in whole or in part and finds:

13 1. The Elder / Vulnerable Adult has received notice of the Motion for Temporary Orders and
has had an opportunity to be heard.

14 2. The petitioner has made diligent efforts to make personal service of notice to the primary
caregiver, and any children or parents or, in their absence, to the closest known relative of the
elder / vulnerable adult.

15 3. Sufficient basis has been shown and it is just and proper to enter the following orders
16 pending the resolution of this case, unless earlier modified and set aside by this Court.

17 THEREFORE, IT IS HEREBY ORDERED that:

18 APPOINTMENT OF GAL. _____ is appointed to
19 advise the court on the best interests of the elder / vulnerable adult.

20 APPOINTMENT OF ATTORNEY. The Office of Public Defender is ordered to designate an
21 attorney who shall represent the position of the elder / vulnerable adult

22 EVALUATION ORDER. An evaluation of the Elder / Vulnerable Adult shall be conducted by:
23 _____ . The evaluation shall be

24 conducted as follows: _____

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TEMPORARY ORDERS PENDING FINAL
PROCEEDINGS
Page 1

Court Form GE - 05 7/25/11

Lummi Tribal Court
2665 Kwina Road
Bellingham, WA 98226
(360) 312-2239

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ADULT PROTECTION TEAM PLAN. The Lummi Adult Protection Team is ordered to recommend a plan to the Court for the delivery of protective services that provide for the elder's / vulnerable adult's needs.

SUITABILITY OF NOMINATED GUARDIAN. _____, who has been nominated as a guardian for the Elder / Vulnerable Adult, shall submit a signed release so that the person's history may be checked by Lummi Family Services and appropriate criminal history databanks.

RESTRAINING ORDER. _____ has had notice and an opportunity to be heard regarding the request for a restraining order against that person. It is hereby ordered that the person is restrained and enjoined from

transferring, removing, encumbering, concealing, or in any way disposing of any of the elder / vulnerable adult's property.

assigning, transferring, borrowing, lapsing, surrendering or changing entitlement of any insurance policies of the elder / vulnerable adult's.

entering into any future debt that encumbers the elder / vulnerable adult, whether incurred by credit card or loan, security interest or mortgage.

residing in the elder / vulnerable adult's home located at : _____

This order shall remain in effect pending the resolution of this case, unless earlier modified and set aside by the Court. This temporary order terminates when the final order is entered or if the petition

1 is dismissed.

2 Dated this _____ day of _____, 20__

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Judge
Lummi Tribal Court

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**IN THE TRIBAL COURT
FOR THE LUMMI NATION, WASHINGTON**

IN RE THE GUARDIANSHIP OF:

Case No.: _____ CVGE _____

Elder / Vulnerable Adult

FINDINGS AND ORDER RE: ADULT
GUARDIANSHIP PETITION

This matter came before the Court pursuant to a petition for an adult guardianship order pursuant to Title 5B of the Lummi Code of Laws. A hearing took place on ___/___/___, at which time the Court considered evidence including:

- recommended plan from Lummi Adult Protection Team
- recommendation from Guardian Ad Litem
- reports from the following Medical and/or Mental Health Professionals: _____
- other: _____

Present were:

- Elder / vulnerable adult [if not present, the reasons for not being present were: _____]
- Petitioner
- Guardian ad Litem: _____
- Others: _____

Based on the evidence presented, the Court:

- Denies the petition based on insufficient basis for finding that the elder / vulnerable adult is incapacitated OR
- Grants the motion in whole or in part and,

FINDINGS AND ORDER RE: ADULT
GUARDIANSHIP PETITION

Page 1

Court Form GE - 06 _7/25/11

Lummi Tribal Court
2665 Kwina Road
Bellingham, WA 98226
(360) 312-2239

1 HEREBY ENTERS THE FOLLOWING FINDINGS OF FACT AND ORDER:

2 **1. Jurisdiction.**

3 The Court has jurisdiction over this matter for the reasons stated in the petition.

4 **2. Burden of Proof**

5 There is clear and convincing evidence that supports the findings made herein.

6 **3. Nature of Incapacitation**

7 The above-named elder / vulnerable adult is incapacitated because he or she suffers from mental or physical disability, illness or deficiency, as follows:

8 As stated in the petition.

9 As follows: _____

12 Due to the incapacity, the above-named elder / vulnerable adult is

13 incapable of providing for basic needs, including food, clothing, shelter, a safe environment, medication, and/or health care.

14 incapable of managing his or her financial affairs so as to provide for basic needs and to guard against exploitation.

15 capable of managing some personal and/or financial affairs but not all, and is in need of some protection and assistance, as stated below in paragraph ____.

17 **4. Existing Authorization**

18 No competent person has been previously authorized by law or court order to take necessary steps to protect the elder / vulnerable adult.

20 **6. Need for Assistance**

21 Based on the needs of the elder / vulnerable adult, the elder / vulnerable adult needs the following assistance:

22 A full Guardianship

23 A Limited Guardianship to provide needed assistance in the areas stated in paragraph__.

24 A Protective Payee to receive payment of funds, to secure the elder or vulnerable adult's funds, property, services, or other resources, and to expend funds so that the elder or

1 vulnerable adult's needs for food, clothing, shelter, health care, and a safe environment can
2 be met.

3 Other:

4 **5. Fitness of Nominee**

5 The proposed appointee is fit and proper to receive an appointment from the Court to carry out
6 the fiduciary duties as provided herein.

6 **6. Appointment**

7 The following person (hereinafter "Appointed Person") is appointed to provide the assistance
8 described in Paragraph 5, and further described in Paragraph 7: _____

9 _____, DOB: . ____ / ____ / _____. An Order of
Appointment shall be issued consistent with this Order upon execution of the appointee of an
Oath of Appointment.

10 **7. Powers and Limitations on Appointed Person**

11 The powers and limitations of the Appointed Person are as follows:

12 A. Powers: _____

13 _____

14 _____

15 B. Limitations: _____

16 _____

17 _____

18 _____

19 **8. Restrictions placed on Elder / Vulnerable Adult's Capacity**

20 The following restrictions are placed on the elder / vulnerable adult:

21 The right to enter into a contract

22 The right to buy, sell, own, mortgage, or lease property

23 The right to make or revoke a will

24 The right to choose the place of residence and who shall also reside in the residence

25 The right to determine who has the right of contact to the elder / vulnerable adult, if the
Appointed Person determines that the person poses a risk to the elder / vulnerable adult

The right to marry or divorce

- The right to consent to or refuse medical treatment
- The right to choose whom shall provide care and assistance
- Other: _____

9. Prior Power of Attorney

Any Power of Attorney executed by the elder / vulnerable adult is cancelled. [This provision does not invalidate any health care directive that was executed by the elder / vulnerable adult in compliance with state law.]

10. Financial Matters

If the appointment covers the financial matter of the elder / vulnerable adult, the powers and duties of the appointment are as follows.

A. Inventory

By ____/____/____, the Appointed Person shall file a verified inventory of all the property of the elder / vulnerable adult, which has come into the Appointed Person's possession or knowledge. The inventory shall include a statement of all encumbrances, liens, and other secured charges on any item. A review hearing upon filing of the inventory is scheduled ____/____/____.

B. Authority for Investment and Expenditure

The authority of the Appointed Person for investment and expenditure of the elder / vulnerable adult's assets is as follows:

C. Disbursements

On or before the date the inventory is due, the Appointed Person shall apply to the court for an order authorizing needed disbursements on behalf of the elder / vulnerable adult.

D. The Appointed Person shall have access to the following accounts:

E. Report of Substantial Change in Income or Assets

Within 30 days of any substantial change in the elder / vulnerable adult's income or assets, the Appointed Person shall report to the Court and schedule a hearing. A purpose of the hearing will be for the Court to consider changing the bond or making other provision for the protection of the elder / vulnerable adult.

1 F. Guardianship Bond and Security

2 Guardianship bond in the amount of \$ _____

3 Bond is waived.

4 Bond shall be reviewed at review of inventory.

5 If bond is waived, the Appointed Person is required to report to the Court if the total assets
6 of the elder / vulnerable adult reaches or exceeds Three Thousand Dollars (\$3,000.00).

7 **11. Protective Services Plan**

8 By ____ / ____ / _____, the Appointed Person, with the assistance of the Lummi Adult
9 Protection Team, shall complete and file with the Court a protective services plan that delineates
10 the services needed for the elder / vulnerable adult's needs.

11 **12. Report**

12 At least two weeks prior to any review hearing before the Court, the Appointed Person shall file
13 a report in compliance with LCL 5B.03.060(d) that includes

14 1) An accounting for the elder or vulnerable adults funds, property, credit, services, or other
15 resources to the extent that the Appointed Person has responsibility for safeguarding or
16 expending those items.

17 2) Information about the services provided, mental and physical status, living conditions,
18 and other information regarding the elder / vulnerable adult that may be helpful to the Court.

19 **13. Substantial Change in Condition or Residence**

20 Appointed Person shall report to the Court within two weeks any substantial change in the elder /
21 vulnerable adult's condition, or any change in residence of the elder / vulnerable adult.

22 **14. Appointed Person's Fees**

23 The Appointed Person shall petition the Court for approval of fees.

24 The Appointed Person may advance himself/herself \$ _____ per month, subject to
25 Court review and approval.

Other:

15. Guardian Ad Litem

The Guardian Ad Litem is discharged from further duties.

The Guardian ad Litem shall continue performing further duties or obligations as
follows: _____

1 **16. Restraining Orders**

2 Any restraining orders previously entered by this Court are lifted.

3 Continue in effect and it is hereby ordered that _____
_____ is restrained and enjoined from:

4 transferring, removing, encumbering, concealing, or in any way disposing of any of
the elder / vulnerable adult's property.

5 assigning, transferring, borrowing, lapsing, surrendering or changing entitlement of
any insurance policies of the elder / vulnerable adult's.

6 entering into any future debt that encumbers the elder / vulnerable adult, whether
incurred by credit card or loan, security interest or mortgage.

7 residing in the elder / vulnerable adult's home located at : _____
_____.

8 **17. Review**

9 This order shall be reviewed within 6 months or for good cause shown. The Court shall review
10 information about the elder / vulnerable adult including the services provided, mental and
11 physical status, living conditions, and other information that may be helpful to the Court. At the
12 review, the Court may extend or amend the protection order if cause is shown by clear and
convincing evidence. The hearing date is set for ____ / ____ / ____ at _____.

13 **18. Notice of Review Hearings**

14 The following persons shall receive notice of a review hearing:

15 **19. Other:**

16 Dated: _____

17 _____
18 Judge
Lummi Tribal Court

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4 **IN THE TRIBAL COURT**
5 **FOR THE LUMMI NATION, WASHINGTON**

6 IN RE THE GUARDIANSHIP OF:

Case No.: _____ CVGE _____

7 _____
8 Elder / Vulnerable Adult

ORDER APPOINTING

- 9 GUARDIAN
10 LIMITED GUARDIAN
11 PROTECTIVE PAYEE

12 Based on the Findings and Orders entered by this Court finding sufficient basis for appointment,
13 THE COURT HEREBY MAKES THE FOLLOWING APPOINTMENT FOR THE
14 PROTECTION OF THE ABOVE-NAMED ELDER / VULNERABLE ADULT:

15 1. NAME OF APPOINTED PERSON

The following person is appointed:

16 _____
17 DOB: ____ / ____ / ____

18 City, State: _____

19 2. POWERS OF APPOINTMENT

20 A full Guardian

21 A Limited Guardian to provide needed assistance in the following areas:

22 _____
23 _____
24 _____
25 _____

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A Protective Payee to receive payment of funds, to secure the elder or vulnerable adult's funds, property, services, or other resources, and to expend funds so that the elder or vulnerable adult's needs for food, clothing, shelter, health care, and a safe environment can be met.

Other:

3. LIMITATIONS

The following limitations, if any, are placed on the appointment:

Dated: _____

Judge
Lummi Tribal Court

1
2
3 **IN THE TRIBAL COURT**
4 **FOR THE LUMMI NATION, WASHINGTON**

5 IN RE THE GUARDIANSHIP OF:

Case No.: _____ CVGE _____

6 _____
7 Elder / Vulnerable Adult

OATH OF GUARDIAN

8 STATE OF WASHINGTON)
9) ss
10 COUNTY OF WHATCOM)

11 Being first duty sworn upon oath, I _____ solemnly swear under
12 penalty of perjury of all applicable civil and criminal laws that:

1. I have been appointed:

13 A full Guardian

14 A Limited Guardian to provide needed assistance in the areas designated in the Court's
orders granting guardianship and making appointment.

15 A Protective Payee to receive payment of funds, to secure the elder or vulnerable adult's
16 funds, property, services, or other resources, and to expend funds so that the elder or vulnerable
adult's needs for food, clothing, shelter, health care, and a safe environment can be met.

17 Other:

18 2. I shall faithfully perform all the duties of my trust. I understand that the basic duties of a
19 Guardian are described in Title 5B of the Lummi Code of Laws and that my duties are further stated
20 in this Court's orders, including any limitations therein.

21 _____
Date

Signature

Print or Type Name

22 SUBSCRIBED AND SWORN to before
23 me this _____ day of _____, 20__.

24 _____
Notary Public
My Commission Expires:

25 OATH OF GUARDIAN

Court Form GE - 08 7/25/11

Lummi Tribal Court
2665 Kwina Road
Bellingham, WA 98226
(360) 312-2239